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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,235	09/30/2003	Jeffrey Raymond Reihl	73715-331389	9832

35657 7590 02/18/2009

FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

EXAMINER

LY, CHEYNE D

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,235	Applicant(s) REIHL ET AL.	
	Examiner CHEYNE D. LY	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 21-25 and 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 24, 26-30 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/18/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 18, 2008 has been entered.
2. The information disclosure statement (IDS) submitted on December 18, 2008 was filed after the mailing date of the FINAL Office Action on July 18, 2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
3. Applicant's arguments with respect to claims 1-20, 26-30, 34, and 35 have been considered but are moot in view of the new ground(s) of rejection.
4. Claims 21-25 and 31-33 are withdrawn.
5. The addition of claims 36-43 has been entered.
6. Claims 1-20, 26-30, 34, and 35-43 are examined on the merits.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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8. Claims 1, 10, 34, 36, 38, and 42 are rejected under 35 U.S.C. 102(a) as being anticipated by Chowdhry et al. (US 2003/0167315 A1) (Chowdhry hereafter).
9. In regard to claim 1, Chowdhry discloses an Internet delivery method delivering electronic information products to a plurality of users via the Internet, the method comprising:
 10. storing a plurality of display formats in a database, said display formats including at least a default display format and a custom display format (page 4, [0096], e.g. Database 104 also stores all parameters necessary for recreating portlets that have been defined by the portlet authors. Portlet authors may create portlets using the portlet wizard and store them in this database for either personal or shared use);
 11. storing information indicating whether one or more of said plurality of users is a specific type of user, wherein the specific type of user is authorized to access one or more content databases (page 4, [0095], e.g. user information stored by database 104 includes login and password information as well as parameters necessary to determine data access rights and privileges);
 12. determining, upon a valid authentication of a user from said plurality of users, whether the authenticated user is said specific type of user (page 15, [0256] and [0257], e.g. LoginForm module);
 13. delivering, upon determination that the authenticated user is said type of user, a system display page formatted in said custom display format, said system display including a list of one or more electronic information products (page 15, [0260], e.g. When the user account is set up by an administrator, the user is placed in a user group. Each user group has

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a default page associated with it. In the illustrated embodiment there are five pages per user account, with a limit of 15 portlets per page. In this embodiment, we have decided to let the default page only be modified by the administrator, to let the user have total control over the contents in the remaining four pages);

14. delivering, upon determination that the authenticated user is not said specific type of user, the system display page formatted in said default display page format (page 15, [0257], e.g. When a user logs in but does not belong to a user group, they are a member of the default group "guest");
15. receiving a request for an electronic information product from said one or more electronic information products listed on said system display page (page 6, [0119], e.g. dropdown list, and page 7, [0138], e.g. list of names/value pair parameters);
16. formatting, upon determination that the authenticated user is said specific type of user, said electronic information product to a customized version corresponding to said custom display format via retrieving one or more information items from said one or more content databases (page 15, [0263], e.g. user selects the tab for a page and the UserForm module 3800 requests the page by PageID at 244 from the ViewPageModule 242. The ViewPageModule 242 resides on the server 100. The ViewPageModule 242 retrieves the page from the database 104 and retrieves all the portlets against that particular PageID. The whole contents are then passed back to the user at 258 for display in the user interface);
17. delivering, upon determination that the authenticated user is said specific type of user, said customized version of said electronic information product (page 15, [0263], e.g. user selects the tab for a page and the UserForm module 3800 requests the page by PageID at

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244 from the ViewPageModule 242. The ViewPageModule 242 resides on the server 100.

The ViewPageModule 242 retrieves the page from the database 104 and retrieves all the portlets against that particular PageID. The whole contents are then passed back to the user at 258 for display in the user interface); and

18. delivering, upon determination that the authenticated user is not said specific type of user, said electronic information product or another electronic information product formatted in said default display format (page 15, [0257], e.g. When a user logs in but does not belong to a user group, they are a member of the default group "guest").
19. In regard to claim 36, Chowdhry describes said customized electronic information product includes information associated with embedding said customized electronic information product in said display page. (page 13, [0234], e.g. using a repository of portlets that treats a portlet as an object, enabling a user to drag a portlet from the repository into the page).
20. In regard to claims 10, 34, 38, and 42, Chowdhry discloses the system and computer-readable storage medium (page 4, [0099]) for implementing the above cited method.

CLAIM REJECTIONS - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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22. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
23. Claims 2-9, 11-20, 26-30, 35, 37, 39-41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhry et al. (US 2003/0167315 A1) (Chowdhry hereafter), as applied to claims 1, 10, 34, 36, 38, and 42, in further view of Bolnick et al. (US 2002/0023230 A1) (Bolnick hereafter).
24. In regard to claim 2, Chowdhry describes the claimed invention except for the limitation of the information indicating whether the user is the specific type of user comprises subscription account information. Bolnick describes the information indicating whether the user is the specific type of user comprises subscription account information (page 1, [0010], e.g. subscribe to an online portal account). Bolnick describes an improvement to conventional portals (page 1, [0009]) by providing personalized information to users (page 2, [0024]). Chowdhry describes a method and system for the custom design of web portals by users to improve system efficiency, and using a repository of portlets that treats a portlet as an object, enabling a user to drag a portlet from the repository into the page (page 13, [0234]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the method of Bolnick to provide a way for the custom design of

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web portals by users to improve system efficiency, and using a repository of portlets that treats a portlet as an object, enabling a user to drag a portlet from the repository into the page as described by Chowdry.

25. In regard to claim 3, Bolnick in view of Chowdhry discloses there are a plurality of user types (page 8, [0145], e.g. one member of one family, or all members of one family) and plurality of custom display formats each custom display format from said plurality of custom display formats corresponding to at least one user type from said plurality of user types (pages 6-7, [0114], e.g. family database entries...can be show in a Families' Display list...for each family icon).
26. In regard to claim 4, Bolnick in view of Chowdhry discloses wherein said plurality of custom display formats comprises custom display formats in different languages (page 7, [0138], e.g. English, French, etc.).
27. In regard to claim 5, Bolnick in view of Chowdhry discloses either one or both of the custom display format and the default display format includes flexible or changeable information (page 7, [0143]-[0144], e.g. "Your Home" site focuses on the individual's day-to-day routine...calendars, to-do lists...", page 3, [0030] wherein the different formats represent format includes flexible or changeable information).
28. In regard to claims 6 and 7, Bolnick in view of Chowdhry discloses the customized version of the electronic information product is transmitted to a wireless device; and transmitting the customized version of the electronic information product formatted in a customized display format appropriate for the wireless device (page 2, [0026], e.g. wireless

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access, page 5, [0068], e.g. conveying user-personalized content using a wireless access device, and page 6, [0105], e.g. wireless Web).

29. In regard to claim 8, Bolnick in view of Chowdhry discloses the electronic information products comprises healthcare information (page 5, [0073], e.g. prescription information).

30. In regard to 9, Bolnick discloses the user's use of the method is tracked (Figure 17, e.g. Last Updated: Today 10:34am).

31. In regard to claims 11-19 Bolnick in view of Chowdhry describes the system for implementing the above cited method (page 4, [0062], e.g. a real-time social network service provider). Further, Bolnick describes the electronic information product is transmitted by cradle synchronization (page 3, line 2, e.g. a synchronize device, a personal digital assistant).

32. In regard to claim 20, Bolnick in view of Chowdhry discloses a method of delivering electronic information products to a plurality of users via the Internet as cited above. Further, Bolnick describes delivering...a customized electronic healthcare information product (page 5, [0073], e.g. prescription information) including information retrieved from the one or more content databases associated with the subscription account information (page 4, [0063]-[0066], e.g. database management system) to a wireless device of the user, said customized electronic healthcare information product formatted in accordance with the custom display format associated with the determined user category and the wireless device (page 2, [0026], e.g. wireless access, page 5, [0068], e.g. conveying user-personalized content using a wireless access device, and page 6, [0105], e.g. wireless Web).

33. In regard to claim 26, Bolnick in view of Chowdhry discloses the custom display format includes a customized interface providing access to one or more databases, products, or

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functions (page 4, [0063]-[0066], e.g. database management system) associated with a set of subscription accounts of the identified specific type of user (page 1, [0010], e.g. subscribe to an online portal account).

34. In regard to claim 27, Bolnick in view of Chowdhry discloses the customized version of the electronic information product includes information gathered from a group consisting of a Physicians Desk Reference content database, proprietary pharmaceutical databases, and healthcare related databases (page 5, [0073], e.g. prescription information).
35. In regard to claim 28, Bolnick in view of Chowdhry discloses the subscription account information includes authorization to access one or more functions associated with the specific type of user (page 1, [0010], e.g. subscribe to an online portal account), wherein the one or more functions are selected from a group consisting of pharmaceutical inventory management, formulary management (page 5, [0073], e.g. prescription information), continuing medical education, healthcare related web community servers, and pharmaceutical order and delivery.
36. In regard to claim 29, Bolnick in view of Chowdhry discloses the one or more content databases have stored therein one or more sets of healthcare-related information (page 5, [0073], e.g. prescription information) and a plurality of display formats, the plurality of display formats including custom display formats associated with particular users of the Internet delivery system or categories of users of the healthcare information delivery system (page 4, [0063]-[0066], e.g. database management system, and pages 6-7, [0114], e.g. family database entries...can be show in a Families' Display list...for each family icon), and wherein the one or more modules include the following modules:

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an authorization module configured to provide access to registered users of the Internet delivery system in a customized fashion, including receiving search criteria from the registered users (page 2, [0019], e.g. portal generates a query for information by group profile category to content providers in order to request information of interest to the general profile categories assigned to the users of the portal) and displaying requested healthcare-related information to the registered users in accordance with the custom display formats that are associated with the registered users (page 7, [0141], e.g. Once logged on, the user is in a secure connection...view a personal calendar summary, messages summary, and list of important links);

a requesting module configured to receive a set of search criteria from the registered users through the custom display format and search the one or more databases for healthcare-related information corresponding to the set of search criteria (page 2, [0019], e.g. portal generates a query for information by group profile category to content providers in order to request information of interest to the general profile categories assigned to the users of the portal); and

a delivery module configured to deliver the healthcare-related information returned from the requesting module to the registered users in accordance with those of the customized display formats that are associated with the registered users ((page 5, [0073], e.g. prescription information, and page 7, [0141], e.g. Once logged on, the user is in a secure connection...view a personal calendar summary, messages summary, and list of important links).

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37. In regard to claim 30, Bolnick in view of Chowdhry discloses the requesting module further comprises an interface to a formulary management system (page 5, [0073], e.g. prescription information).
38. In regard to claim 35, Bolnick in view of Chowdhry describes the invention as cited above, except for the limitation of “presentation logic on how to create the customized version of the electronic information product.” Bolnick describes an interface comprising a “Help” (Figure 6) which would reasonably provides the “presentation logic on how to create the customized version of the electronic information product.” On of ordinary skill in the art at the time of the invention would have been motivated by Bolnick to have a more easily accessible centralized access to useful personal information related to a consumer user or customer (page 2, column 1, lines 4-6). Therefore, it would have been obvious to one of ordinary skill in the art to use the system of Bolnick with “presentation logic on how to create the customized version of the electronic information product” via the “Help” feature.
39. In regard to claim 37, Bolnick in view of Chowdhry describes said formatting said electronic information product to said custom display format further includes:
40. accessing an application framework communicable with one or more services associated with said electronic information product (page 2, [0026], e.g. user using, e.g., a web interface, an interactive voice response (IVR) system, a wireless access device, a communications device, an interactive television (TV) device, a palm-top computing device, a synchronized device, a personal digital assistant, a computing device or another device having a direct and/or indirect access to the Internet), and

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41. retrieving, via said application framework, information associated with said custom display format from said one or more services (page 3, [0028], e.g. the associations can include, e.g., a manufacturer, a distributor, a retailer, an non-profit, a service provider, a sports franchise, an information provider, a news agency, a content provider, a television program, a movie, an entertainment event, or an agency, and [0031], e.g. the pushed information can include, e.g., prescription information, automobile service information, purchased product information, travel reservation information, sports information, TV programming information, deductions information charitable contribution information, encrypted information, financial information, membership information, educational information, voicemail messages, and/or any information related to the user).

42. In regard to claims 39-41, and 43, Bolnick in view of Chowdhry describes the invention as cited above.

CONCLUSION

43. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business

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Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

44. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

46. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/

Primary Examiner, Art Unit 2168